



March 30, 2016

Senator Jerry Hill
State Capitol Building, Room 5035
Sacramento, CA 95814

Re. SB 1033 – Patient Notification Of Physician Probation – SUPPORT

Dear Senator Hill,

Consumer Watchdog writes to express our strong support for SB 1033, which will provide patients with important information about serious disciplinary actions involving their physicians.

Patients deserve to know if their doctor has been placed on probation for serious offenses, including sexual misconduct with a patient, self-prescribing narcotics, or gross negligence that resulted in a patient's death.

For example: In 2014, a San Diego doctor with a long history of alcohol abuse and addiction, drug use, treatment and relapse, DUI arrests and convictions, and extreme behavior was disciplined by the Medical Board. The Board described an incident in which he left threatening phone messages for a friend, ultimately chasing him down the street and hitting him in the head with an axe. The Medical Board gave the doctor seven years probation.

Within the last week, the Medical Board issued notice that it had placed two physicians on probation for improper prescribing of narcotics without a legitimate medical purpose or even conducting a medical exam, and that another doctor was placed on probation for seeing patients while suffering from a mental illness that impaired his ability to practice medicine safely.

This is the kind of information every patient deserves to know about their doctor before they receive medical care. The patients of these doctors deserve to be notified proactively.

SB 1033 is necessary because physician regulators at the Medical Board of California have refused to act.

California law already requires that disciplinary information be disclosed online. However, few patients know of their right to this information, and even fewer are likely to be able to find it.

At the Medical Board's quarterly meeting in January, the Board refused to consider a proposal that would have required disclosure by doctors placed on probation for the most serious offenses.

Instead, the Board fell back on its failed model that places the burden on patients to investigate their doctors. A task force spent most of its time discussing how to improve its website – where physician disciplinary actions can only be found by the most determined investigators – and public education about how to find it.

Requiring the public to know about, and then find, an obscure state government website is a failed strategy to inform patients. The vast majority of patients have no idea they can look up a doctor's record beyond Yelp reviews, and they are not likely to learn.

Under SB 1033, the problem doctors who would have to report to their patients are only those whom the Medical Board has determined merit serious disciplinary action. This small minority -- 500 to 600 of the 137,000 licensed physicians in California at any given time -- is less than one half of one percent of the total active licensee population.

Patients expect their doctors are operating with a clean record. If this is not the case, they deserve a proactive warning. This information is important enough to patient safety that doctors are required to report it to hospitals where they practice and their malpractice insurers. It is clearly also important enough to require them to inform their patients.

Thank you for authoring this crucial patient safety legislation.

Sincerely,

A handwritten signature in black ink that reads "Carmen Balber". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Carmen Balber
Executive Director